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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,569	09/08/2005	Gil Sam Park	026032-4821	8358

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EXAMINER

MCPARTLIN, SARAH BURNHAM

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,569	PARK, GIL SAM	
	Examiner	Art Unit	
	Sarah B. McPartlin	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/23/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgement is made of applicant's claim for foreign priority based on application number 2002-94662 filed in Japan on September 8, 2005.

Information Disclosure Statement

2. The information disclosure statement filed March 23, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," or in the instant case **"according to the present invention."**

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishino (4,738,427). With respect to claim 9, Nishino discloses a seat for a vehicle (Figure 3): comprising: a pair of support frames (8)(8) supported by the vehicle body; a seat back (1)(A) including a seat back frame (unlabeled) including the outer tubular edge portion of seat back (1)(A) side elements and a sub-frame (unlabeled) including the inner planar portion extending between the outer tubular edge portions, the upper end (unlabeled) of the sub-frame being coupled to the seatback frame (1); a reclining device (6) configured to allow the seat back (1)(A) to tilt and support the seat back (1)(A) in a tilting position, the reclining device (6) being supported by an installed on the

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support frames (8)(8); and a lifter device (3) configured to allow a seat cushion portion (2)(A) to tip up and support the seat cushion portion (2)(A) in a tipping position, the lifter device (3) being supported by and installed on the support frames (8)(8) wherein the reclining device (6) comprises a device mechanism and covers lower ends of the seat back frame (1) and the lower end of the sub frame (unlabeled) as best depicted in Figure 3.

With respect to claim 13, the lifter device (3) comprises a first sector gear (20) and a second gear (19) to allow the seat cushion portion (2)(A) to tip up and support the seat cushion portion (2)(A) in a tipping position. The lifter (3) further comprises a first projection (17) and a second projection (22) on an inner portion (unlabeled) of the first and second support members (8). The gear (second gear) (19) is pivotally supported on the first projection (17) and the sector gear (first gear) (20) is pivotally supported in the second projection (22).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-11 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino (4,738,427) in view of Niezoldt (5,791,738). As disclosed above, Nishino reveals all claimed elements with the exception of a seat back frame

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made from a pipe/tube and sub-frames welded to the back frame and also made from pipes/tubes, wherein each lower end of the frame and sub-frames is spaced in the fore-aft direction and the reclining device falls within the space.

Niezoldt (5,791,738) discloses a seat back (1) including a first tubular/pipe frame (4) and a second tubular/pipe frame or sub-frame (3) having lower ends that are spaced apart in the fore-aft direction and a reclining device (13), which falls within the space. The first (4) and second (3) frames are welded together at top portions (7)(6) by way of separator (8) as described in column 2, lines 35-40.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to replace the seat back (1)(A) disclosed by Nishino with the seat back taught by Niezoldt. Such a modification would create "a considerable increase in the seat back's stability under load both towards the front and the back" (column 3, lines 2-3).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sundgren (6,471,292); Fujita et al. (US2003/0116999); Sparks (6,767,055); Lepaule (6,502,799); Hatta (4,948,081) and Kojima et al. (6,276,650).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sarah B. McPartlin
Patent Examiner
Art Unit 3636

SBM
March 29, 2007